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DIVISION

Appl. No. : 09/753,697
Confirmation No. : 1609
Applicant : Charles W. Bishop

I, Sally Sorensen, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Filed : January 3, 2001
Title : 24-HYDROXYVITAMIN D,
ANALOGS AND USES
THEREOF

February 25, 2005
Signature: Sally Sorensen
Date of Signature

TC/A.U. : 1614
Examiner : Theodore J. Criares
Docket No. : 017620-9316

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

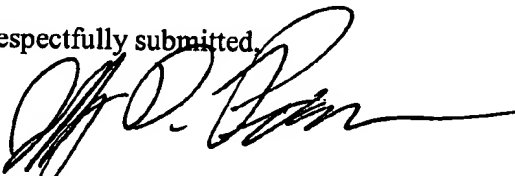
Sir:

The Applicants respectfully request a refund of \$55 which was charged to Deposit Account 50-0842 on January 28, 2005. The fee was paid on February 20, 2004 when the original Terminal Disclaimer was filed. A courtesy copy of the Terminal Disclaimer was sent along with an Amendment and Request for Reconsideration which was filed on November 18, 2004.

Enclosed is a copy of the Deposit Account Statement, the Terminal Disclaimer filed February 20, 2004, confirmation of receipt at the PTO, and the Amendment filed November 18, 2004.

Please credit \$55 to Deposit Account 50-0842 as payment was made on February 20, 2004 when the original Terminal Disclaimer was filed.

Respectfully submitted,



Jeffrey D. Peterson
Reg. No. 49,038

Docket No.: 017620-9316
Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806
(608) 257-3501

2005 FEB 25 PM 4:31

DIVISION



**United States
Patent and
Trademark Office**



Deposit Account Statement

Requested Statement Month: January 2005
 Deposit Account Number: 500842
 Name: MICHAEL BEST & FRIEDRICH, LLP
 Attention: ACCOUNTS PAYABLE
 Address: P O BOX 1806
 City: MADISON
 State: WI
 Zip: 53701-1806

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/03	76	10987608	013670-9003	8021	\$40.00	\$14,845.00
01/03	640	78540953	58442-9255	7001	\$335.00	\$14,510.00
01/04	1	0112960195	010414-9005	8014	\$25.00	\$14,485.00
01/04	2	0146820609	010414-9005-CN	8014	\$25.00	\$14,460.00
01/05	4	10373114	065435-9023	1251	\$10.00	\$14,450.00
01/05	42	60223636	010414-9005	8007	\$20.00	\$14,430.00
01/07	235	0070110472	092234-9023-00	8014	\$25.00	\$14,405.00
01/11	1	10441731	017620-9378	1814	\$130.00	\$14,275.00
01/13	18	10217022	065435-9020	1251	\$10.00	\$14,265.00
01/14	9	10939105	016026-9301-00	1202	\$36.00	\$14,229.00
01/18	2	PCT/US04/37932	013670-9003	1601	\$300.00	\$13,929.00
01/18	3	PCT/US04/37932	013670-9003	1602	\$1,000.00	\$12,929.00
01/18	4	PCT/US04/37932	013670-9003	1702	\$1,134.00	\$11,795.00
01/18	5	PCT/US04/37932	013670-9003	1703	\$120.00	\$11,675.00
01/18	6	PCT/US04/37932	013670-9003	8007	\$20.00	\$11,655.00
01/18	394	0089930763	092234-9021-US07	8014	\$25.00	\$11,630.00
01/21	2745	2235909	035184-9001	7205	\$100.00	\$11,530.00
01/21	2746	2235909	035184-9001	7208	\$200.00	\$11,330.00
01/28	1	09753697	17620/9316	2814	\$55.00	\$11,275.00
01/28	369	09545071	092234-9012-US00	8014	\$25.00	\$11,250.00
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
		\$14,885.00	\$3,635.00	\$0.00	\$11,250.00	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1617

In re Patent Application of
Charles W. Bishop, et al.
Application No. 09/753,697
Confirmation No.: 1609
Filed: January 3, 2001
Examiner: Theodore J. Criares

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Sally Sorensen
Signature
February 20, 2004
Date of Signature

24-HYDROXYVITAMIN D, ANALOGS AND
USES THEREOF

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Terminal Disclaimer for the above-titled patent application along with a check in the amount of \$55.00 in payment of the fee required under 37 CFR 1.20(d).

Charge or credit Deposit Account No. 50-0842 with any shortage or overpayment of the above fee. A duplicate of this sheet is enclosed.

Respectfully submitted,

Jeffrey D. Peterson
Jeffrey D. Peterson
Reg. No. 49,038

File No. 017620-9316
Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806
(608) 257-3501

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Patent Application of

Charles W. Bishop, et al.

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Signature

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**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Bone Care International, Inc., located at 1600 Aspen Commons Middleton, WI 53561 (hereinafter "Assignee"), by its undersigned attorney of record, represents that it is the owner of the entire interest in the above-identified application (hereinafter "said Application") by virtue of an assignment recorded 10/19/1998, at Reel 9545, Frames 0900. Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on said Application, beyond the expiration date of the full statutory term of U.S. Patent No. 6,242,434 (hereinafter "said U.S. Patent"). Assignee hereby agrees that any patent granted on said Application shall be enforceable only for and during such period that the legal title of the patent granted on said Application should be the same as the legal title to said U.S. Patent. This agreement shall run with any patent granted on said Application and be binding upon the grantee, its successors or assigns. In making the above

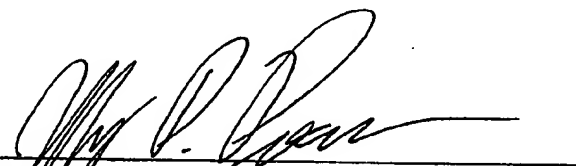
disclaimer, Assignee does not disclaim any terminal part of the patent granted on said Application prior to the expiration date of the full statutory term of said U.S. Patent, in the event that said U.S. Patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term.

The undersigned is empowered to act on behalf of Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 20, 2004

By:


Jeffrey D. Peterson
Reg. No. 49,038
Attorney of Record

Attorney Docket No.: 17620-9316
Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806
(608) 257-3501

THE U.S. PATENT AND TRADEMARK OFFICE OFFICIAL MAILROOM STAMP AFFIXED
HERETO ACKNOWLEDGES RECEIPT OF THE ITEMS CHECKED BELOW:

App Ser / Pat No / Reg No: 09/753,697
Applicant/Owner: BISHOP et al (Bone Care)
Mailing Date: February 20, 2004
Title / Mark: 24-HYDROXYVITAMIN D, ANALOGS AND
USES THEREOF

- ☒ Transmittal Letter (duplicate) Terminal Disclaimer ☒ Check: \$ 55.00
☐ Patent Application ☐ Util ☐ Prov ☐ Des ☐ CIP ☐ Cont ☐ Div ☐ PCT ☐ RCE
☐ Spec. _____ Pgs, Claims _____ Pgs, Abstract _____
☐ Trademark ☐ Service Mark ☐ Design ☐ Use ☐ Intent-To-Use
☐ Declaration and Power of Attorney
☐ Drawings _____ Pgs _____ Figs ☐ Formal ☐ Informal ☐ Specimen
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☐ Information Disclosure Stmt / PTO-SB08A / SB08B / References ☐ Supplemental
☐ Power of Attorney ☐ PCT ☐ Associate ☐ Status Inquiry
☒ Amendment ☐ Preliminary ☐ After Final Rejection
☐ Extension of Time _____ Mo (duplicate)
☐ Part B - Issue Fee Transmittal Form (PTO-SB08) ☐ Supplemental
☐ PCT Request _____ Sheet _____
☐ PCT Demand Ch. II _____
☐ Sequence Listing Statement ☐ Paper Copy ☐ Computer Readable Form
☒ # AND REQUEST FOR RECONSIDERATION
UNDER 37 CFR 1.112

FILE NO.: 017620-9316 Atty.: JDP
Cert. of Mailing: ☐ 37 CFR 1.8 ☐ 37 CFR 1.10 Express Mail ☒ Reg No. 49,038
OPBW



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Group Art Unit 1617

In re

Patent Application of

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